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13 Attorneys for Plaintiff

NEXTDOOR.COM, INC.

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 SAN FRANCISCO DIVISION

18 NEXTDOOR.COM, INC., a Delaware
corporation,

19 Plaintiff,

20 v.

21 RAJ ABHYANKER, an individual,

22 Defendant.

Case No.: 3:12-cv-05667-EMC-NMC

**[PROPOSED] ORDER GRANTING
NEXTDOOR.COM, INC.'S MOTION
FOR SUMMARY JUDGMENT ON
COUNTS II AND IV OF ITS
COMPLAINT**

Date: October 16, 2014

Time: 1:30 p.m.

Courtroom: 5, 17th Floor

Judge: Hon. Edward M. Chen

1 Having considered Plaintiff Nextdoor.com, Inc.'s Motion for Summary Judgment on its
2 claim for infringement of its NEXTDOOR mark under 15 U.S.C.A. § 1125(A) (Count IV of its
3 Complaint [Dkt. 1]) and its claim for declaratory judgment that Nextdoor.com does not infringe
4 on Raj Abhyanker's alleged FATDOOR marks (Count II of its Complaint [Dkt. 1]), the
5 supporting declarations of Jennifer L. Kelly, Prakash Janakiraman, Jennifer Dulski and William
6 H. Harris, Jr., the supporting exhibits, all other papers in support and opposition thereto, the
7 pleadings and other papers on file in this action, oral arguments of counsel, and good cause
8 appearing, the Court hereby GRANTS that motion and enters judgment in Nextdoor.com's favor
9 on both claims.

10 As to Count IV, the Court finds that there is no genuine issue as to any material fact that
11 Abhyanker infringed Nextdoor.com's rights in the NEXTDOOR mark. Abhyanker stipulated to a
12 judgment decreeing that Nextdoor.com owns and has priority in the NEXTDOOR mark, and the
13 undisputed facts show that Abhyanker used the NEXTDOOR mark as branding for websites of
14 his own following the launch of the www.nextdoor.com site in 2011 in a way that was likely to
15 confuse consumers. The Court thus holds that Raj Abhyanker's use of the NEXTDOOR mark
16 constituted infringement of Nextdoor.com Inc.'s NEXTDOOR mark.

17 As to Count II, the Court finds that there is no genuine issue as to any material fact that
18 Abhyanker does not have priority of use of the allegedly similar marks (FATDOOR and
19 NEXTDOOR). Abhyanker has no evidence to support his allegation that he personally used the
20 FATDOOR marks as a source identifier before Nextdoor.com began using the NEXTDOOR
21 mark in October 2011. As a result, Abhyanker could not prevail on an essential element of a
22 trademark claim based on alleged infringement of the FATDOOR mark. Nextdoor.com is thus
23 entitled to a declaration that its use of the NEXTDOOR mark does not infringe Abhyanker's
24 alleged FATDOOR marks, and the Court so declares.

25 **IT IS SO ORDERED.**

26 Dated this ____ day of _____, 2014.

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Honorable Edward M. Chen
United States District Court Judge